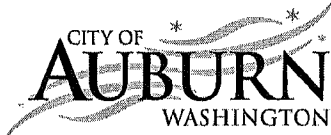


**POLICE DEPARTMENT
MEMORANDUM**



DATE: May 17, 2017
TO: Officer Jeff Nelson
FROM: Commander Stocker
SUBJECT: Supervisory Review Finding 17 INT-02

A Supervisory Review Board was convened on May 17, 2017 in order to review the facts and circumstances surrounding allegations of misconduct against you as outlined in a memorandum dated April 18, 2017. The allegations ranged from violation of the pursuit policy, emergency driving outside of policy, and disobeying an order given by your Sergeant.

The Review Board consisted of Commander Oneil, Sergeant Frith and myself. The Board reviewed the entire file that included the allegation letter, witness statement, CAD, pursuit report, your coban video and your taped statement that was audio recorded and transcribed.

After careful review, the Board determined that you engaged in "**Actual Misconduct**" in violation of the following department policies:

Auburn Police Department Manual of Standards:

307.3 Officer Responsibilities

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law.

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (RCW 46.61.035):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.

(c) Disregard regulations governing parking, direction of movement or turning in specified directions.

308.3.1 Emergency Calls

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (RCW 46.61.035).

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

(a) When in pursuit or apprehending a violator or suspected violator.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

The finding of Misconduct were based on the following finding of facts:

On 4/7/2017 at approx. 0100 you were working patrol when Officer Schultz became engaged in a vehicle pursuit north on Auburn Way South from the Casino. At about the 600 block of Auburn Way South Sgt. Betz terminated the pursuit. Officer Schultz slowed and turned off his emergency equipment and terminated the pursuit. You were in the area of 4th and Auburn Way North and observed the suspect vehicle turn west on 4th se towards A st. you then turned west also and began to follow the path of the suspect vehicle. You continued west on highway 18 broadcasting that you could still see the vehicle and then broadcasted that the vehicle went north on highway 167. You then also went north on highway 167 and sped up to about 70 MPH in an attempt to keep an eye on the vehicle. You asked dispatch to notify state patrol and Kent PD that the vehicle was north on 167.

You were in the HOV lane as you approached the off ramp at 15th NW and then you quickly moved from the HOV lane, crossed two lanes of travel and exited onto the off ramp at 15th NW. As you were approaching the light at 15th NW you then observed the suspect vehicle from the pursuit that had been terminated run the red light at 15th NW and continue onto the onramp to 167 going north. The light turned green and you then also continued north on 167 following the suspect vehicle. You quickly increased your speed and began to travel 80 to 85 MPH north on 167 catching up to the suspect vehicle. You kept up with the vehicle matching its speed as you continued north on 167. It is evident in your Coban video that the suspect vehicle knew you were behind it. The suspect vehicle made sudden movements on the highway and maneuvered in and out of traffic at a high rate of speed in an attempt to flee from you as you kept up with the vehicle.

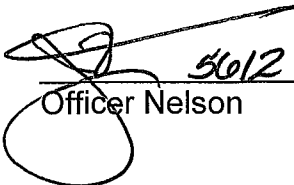
While you were following the suspect vehicle north on 167 at a high rate of speed you did not notify dispatch that you were still following vehicle and had it in your site. You did not turn on your emergency equipment either. As the vehicle approached the 277th off ramp you then aired on the radio that you still had visual and told dispatch that the vehicle was going to exit on 277th. The vehicle then made a sudden movement as if it was going to exit and then

quickly swerved back on 167 continuing north. You aired that the vehicle did not exit and was still north. Shortly after that Sgt. Betz reminded you that the pursuit had been terminated and to stop pursuing the vehicle and to head back to the city. You then slowed down at that point and took the nearest exit in Kent and returned to the city.

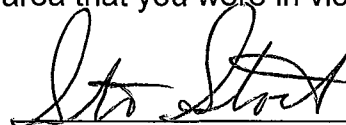
The review board agreed that your actions to enter onto highway 18 and then continue north on 167 were ok as you drove without emergency equipment on and drove the speed limit. The board understands that there has been communication among sgts and officers that it has been allowed to "follow" the path of a vehicle that had fled from officers and then the pursuit was terminated. It is understood that there may even be some confusion as to what the definition of "follow" is when continuing on the possible path of the suspect vehicle. You then exited 167 onto 15th ending your following of the path of the suspect vehicle. The board agreed that once you realized the suspect vehicle was back in your site and you were behind it again at 15th NW and then sped up and caught up to the vehicle on 167 you had become in pursuit of the vehicle. Your actions and speeds caused the suspect vehicle to increase its speed and use other evasive tactics in an attempt to flee from you. While in pursuit of the vehicle you violated the pursuit policy and emergency response policy by not notifying your supervisor of the situation and by not turning on your emergency equipment.

Even though there is nothing in our pursuit policy that speaks about or allows an officer to "follow" the path of a suspect vehicle after pursuit termination the board understands that officers have been allowed to do it as long as they drive within the law and turn their emergency equipment off. Because of this the board agreed that you did not violate any policies having to do with disobeying orders or in-subordination.

When dispensing discipline, if any, the ultimate goal is to change behavior and provide training and guidance to assist with future incidents of this nature. You will not receive any discipline in this matter, but rather **coaching and counseling**. You will be contacted by me and/or Sgt. Betz who will provide training and counseling in the area that you were in violation of.

 5612

Officer Nelson

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Commander S. Stocker